

Executive Summary – Enforcement Matter – Case No. 41686
Lyondell Chemical Company
RN100633650
Docket No. 2011-0784-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Lyondell Chemical Channelview, 2502 Sheldon Road, Channelview, Harris County

Type of Operation:

Chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2011-0985-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 23, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$6,625

Amount Deferred for Expedited Settlement: \$1,325

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$2,650

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$2,650

Name of SEP: Sheltering Arms Weatherization Assistance Program

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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Lyondell Chemical Company
RN100633650
Docket No. 2011-0784-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 2, 2011 to March 16, 2011

Date(s) of NOE(s): May 13, 2011

Violation Information

Failed to prevent unauthorized emissions during an emissions event that occurred on February 2, 2011 to February 3, 2011 (Incident No. 150156). Specifically, the Respondent released 759.58 pounds of volatile organic compounds from the POSM 2 unit (Emission Point Number ("EPN") EF97950) and POSM 1 unit (EPN EF64170) during the 24 hour and 30 minute event. The event occurred due to the failure of instrumentation and equipment caused by freezing weather conditions. Flow instruments, check valves, pressure transmitters, and natural gas valves froze, resulting in the tripping of the catalytic converters and the ultimate shutdown of the process units. Since the emissions event could have been avoided by better operational and maintenance practices, it is not subject to the affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 19613, Special Conditions ("SC") No. 1, NSR Permit No. 2993, SC No. 1, and Federal Operating Permit No. 01387, Special Terms and Conditions Nos. 1 and 25].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require the Respondent to:
 - a. Within 30 days, update and implement training and operating procedures to prevent a recurrence of emissions events due to similar causes as Incident No. 150156; and
 - b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision 2.a.

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Docket No. 2011-0784-AIR-E

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Heather Podlipny, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2603; Debra Barber, Enforcement Division, MC 219, (512) 239-0412.
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565
Respondent: Michael VanDerSnick, Site Manager Channelview, Lyondell Chemical Company, P.O. Box 777, Channelview, Texas 77530
Respondent's Attorney: N/A

Attachment A
Docket Number: 2011-0784-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

The Respondent:	Lyondell Chemical Company
Penalty Amount:	Five Thousand Three Hundred Dollars (\$5,300)
SEP Offset Amount:	Two Thousand Six Hundred Fifty Dollars (\$2,650)
Type of SEP:	Pre-approved SEP
Third-Party Recipient:	The Sheltering Arms
Project Name:	Sheltering Arms Weatherization Assistance Program
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP offset amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **The Sheltering Arms** to be used for the Sheltering Arms Weatherization Assistance Program as set forth in the Agreement between the Third-Party Recipient and TCEQ. The SEP offset amount shall be used to perform energy efficiency upgrades on low-income homes in Harris County. Specifically, the SEP offset amount may only be used for: 1) purchase and installation of compact fluorescent light bulbs; 2) the incremental cost of replacement of energy-inefficient fans and refrigerators with energy-efficient models; 3) the incremental cost of replacement of energy-inefficient washers and dryers with energy-efficient models; 4) sheetrock repairs to sustain and protect new attic insulation; 5) floor repairs to prevent air leaks; 6) repairs to patches made to sheetrock during the addition of all new insulation; and 7) other direct costs authorized in advance by TCEQ.

Lyondell Chemical Company
Agreed Order - Attachment A

The SEP offset amount shall not be used to perform weatherization inspections and generate computerized audits for the proposed weatherization work where Federal Weatherization Assistance Program ("WAP") and Federal Low Income Home Energy Assistance Funds ("LIHEAP") are available. WAP and LIHEAP funds are currently limited to \$4,000 per house by regulation. The WAP and LIHEAP funds will also be used for 1) replacement of stoves, space heaters, and water heaters that leak carbon monoxide; 2) purchase and installation of carbon monoxide detectors; 3) replacement of central air conditioning systems and window units; 4) addition of wall and attic insulation; 5) caulking and weather-stripping; 5) replacement of window panels; 6) addition of solar screens; 7) new windows and doors. The SEP Offset Amount shall be used to enhance the proposed weatherization work not covered by the WAP and LIHEAP funds. The results of the weatherization audits along with any proposed modifications and associated budgets and scope of work shall be submitted to TCEQ. The SEP offset amount will be used solely for the direct cost of performing the project and no portion will be spent on administrative costs.

The Respondent certifies that it has no prior commitment to make this contribution to the Third-Party Recipient and that the SEP offset amount is being contributed solely in an effort to settle this enforcement action.

B. Environmental Benefit

Implementation of this project will reduce fuel and electricity usage for heating and cooling and day-to-day living operations. These reductions will reduce emissions of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with combustion of fuel and generation of electricity.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP offset amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the Effective Date of this Agreed Order, the Respondent shall contribute the SEP offset amount to the Third-Party Recipient. The Respondent shall make the contribution check payable to "The Sheltering Arms" and mail a copy of the Agreed Order with the check to:

Lyondell Chemical Company
Agreed Order - Attachment A

The Sheltering Arms
Attention: Lynne Cooke, Vice President
3838 Aberdeen Way
Houston, Texas 77025

3. Records and Reporting

Concurrent with the payment of the SEP offset amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP offset amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	16-May-2011	Screening	20-May-2011	EPA Due	
	PCW	24-May-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	Lyondell Chemical Company
Reg. Ent. Ref. No.	RN100633650
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	41686	No. of Violations	1	
Docket No.	2011-0784-AIR-E	Order Type	1660	
Media Program(s)	Air	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Heather Podlipny	
		EC's Team	Enforcement Team 4	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	165.0% Enhancement	Subtotals 2, 3, & 7	\$4,125
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Notes: Enhancement for three orders with denial of liability, one order without denial of liability, 14 NOVs with same/similar violations, and nine NOVs with dissimilar violations. Reduction for four Notices of Intent to conduct audits and two Disclosures of Violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$72
Approx. Cost of Compliance \$1,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$6,625
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$6,625
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,325
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$5,300
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Screening Date 20-May-2011

Docket No. 2011-0784-AIR-E

PCW

Respondent Lyondell Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 41686

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100633650

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	14	70%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	2	-4%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 165%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three orders with denial of liability, one order without denial of liability, 14 NOVs with same/similar violations, and nine NOVs with dissimilar violations. Reduction for four Notices of Intent to conduct audits and two Disclosures of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 165%

Screening Date 20-May-2011

Docket No. 2011-0784-AIR-E

PCW

Respondent Lyondell Chemical Company

Policy Revision 2 (September 2002)

Case ID No. 41686

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100633650

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review ("NSR") Permit No. 19613, Special Conditions ("SC") No. 1, NSR Permit No. 2993, SC No. 1, and Federal Operating Permit No. 01387, Special Terms and Conditions Nos. 1 and 25

Violation Description

Failed to prevent unauthorized emissions during an emissions event that occurred on February 2, 2011 to February 3, 2011 (Incident No. 150156). Specifically, the Respondent released 759.58 pounds of volatile organic compounds from the POSM 2 unit (Emission Point Number ("EPN") EF97950) and POSM 1 unit (EPN EF64170) during the 24 hour and 30 minute event. The event occurred due to the failure of instrumentation and equipment caused by freezing weather conditions. Flow instruments, check valves, pressure transmitters, and natural gas valves froze, resulting in the tripping of the catalytic converters and the ultimate shutdown of the process units. Since the emissions event could have been avoided by better operational and maintenance practices, it is not subject to the affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 25%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

2 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$72

Violation Final Penalty Total \$6,625

This violation Final Assessed Penalty (adjusted for limits) \$6,625

Economic Benefit Worksheet

Respondent Lyondell Chemical Company
Case ID No. 41686
Reg. Ent. Reference No. RN100633650
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	2-Feb-2011	20-Jan-2012	0.96	\$72	n/a	\$72

Notes for DELAYED costs

Estimated cost for management practices designed to ensure proper operation and for additional oversight to ensure maintenance practices are followed to prevent recurrence of emissions events. The Date Required is based on the start date of the emissions event and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$72

Compliance History

Customer/Respondent/Owner-Operator:	CN600344402	Lyondell Chemical Company	Classification: AVERAGE	Rating: 3.84
Regulated Entity:	RN100633650	LYONDELL CHEMICAL CHANNELVIEW	Classification: AVERAGE	Site Rating: 2.61
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD083472266	
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30676	
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50288	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW162	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW037	
	UNDERGROUND INJECTION CONTROL	PERMIT	WDW148	
	AIR NEW SOURCE PERMITS	AFS NUM	4820100417	
	AIR NEW SOURCE PERMITS	REGISTRATION	93896	
	AIR NEW SOURCE PERMITS	REGISTRATION	94416	
	AIR NEW SOURCE PERMITS	REGISTRATION	72168	
	AIR NEW SOURCE PERMITS	REGISTRATION	52056	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG1575W	
	AIR NEW SOURCE PERMITS	REGISTRATION	48597	
	AIR NEW SOURCE PERMITS	REGISTRATION	42082	
	AIR NEW SOURCE PERMITS	REGISTRATION	40092	
	AIR NEW SOURCE PERMITS	REGISTRATION	40094	
	AIR NEW SOURCE PERMITS	REGISTRATION	40093	
	AIR NEW SOURCE PERMITS	REGISTRATION	38432	
	AIR NEW SOURCE PERMITS	REGISTRATION	37654	
	AIR NEW SOURCE PERMITS	REGISTRATION	36353	
	AIR NEW SOURCE PERMITS	REGISTRATION	35477	
	AIR NEW SOURCE PERMITS	REGISTRATION	34833	
	AIR NEW SOURCE PERMITS	REGISTRATION	32435	
	AIR NEW SOURCE PERMITS	PERMIT	20416	
	AIR NEW SOURCE PERMITS	PERMIT	19613	
	AIR NEW SOURCE PERMITS	PERMIT	19155	
	AIR NEW SOURCE PERMITS	PERMIT	18103	
	AIR NEW SOURCE PERMITS	PERMIT	4121	
	AIR NEW SOURCE PERMITS	PERMIT	3346	
	AIR NEW SOURCE PERMITS	PERMIT	3286A	
	AIR NEW SOURCE PERMITS	PERMIT	2993	
	AIR NEW SOURCE PERMITS	REGISTRATION	76300	
	AIR NEW SOURCE PERMITS	REGISTRATION	76126	
	AIR NEW SOURCE PERMITS	REGISTRATION	75719	

AIR NEW SOURCE PERMITS	REGISTRATION	70737
AIR NEW SOURCE PERMITS	REGISTRATION	72243
AIR NEW SOURCE PERMITS	REGISTRATION	73851
AIR NEW SOURCE PERMITS	REGISTRATION	74852
AIR NEW SOURCE PERMITS	REGISTRATION	77293
AIR NEW SOURCE PERMITS	REGISTRATION	77723
AIR NEW SOURCE PERMITS	REGISTRATION	77929
AIR NEW SOURCE PERMITS	REGISTRATION	78760
AIR NEW SOURCE PERMITS	REGISTRATION	78756
AIR NEW SOURCE PERMITS	REGISTRATION	79199
AIR NEW SOURCE PERMITS	REGISTRATION	79727
AIR NEW SOURCE PERMITS	REGISTRATION	79945
AIR NEW SOURCE PERMITS	REGISTRATION	79542
AIR NEW SOURCE PERMITS	REGISTRATION	80386
AIR NEW SOURCE PERMITS	REGISTRATION	80344
AIR NEW SOURCE PERMITS	REGISTRATION	80610
AIR NEW SOURCE PERMITS	REGISTRATION	81217
AIR NEW SOURCE PERMITS	REGISTRATION	81465
AIR NEW SOURCE PERMITS	REGISTRATION	35412
AIR NEW SOURCE PERMITS	REGISTRATION	81958
AIR NEW SOURCE PERMITS	REGISTRATION	81902
AIR NEW SOURCE PERMITS	REGISTRATION	82122
AIR NEW SOURCE PERMITS	REGISTRATION	94074
AIR NEW SOURCE PERMITS	REGISTRATION	87669
AIR NEW SOURCE PERMITS	REGISTRATION	96072
AIR NEW SOURCE PERMITS	REGISTRATION	84878
AIR NEW SOURCE PERMITS	REGISTRATION	84297
AIR NEW SOURCE PERMITS	PERMIT	83817
AIR NEW SOURCE PERMITS	REGISTRATION	84100
AIR NEW SOURCE PERMITS	REGISTRATION	84090
AIR NEW SOURCE PERMITS	REGISTRATION	84047
AIR NEW SOURCE PERMITS	REGISTRATION	84583
AIR NEW SOURCE PERMITS	REGISTRATION	88286
WASTEWATER	PERMIT	WQ0002927000
WASTEWATER	EPA ID	TX0069493
WASTEWATER	EPA ID	TX0069493
AIR OPERATING PERMITS	ACCOUNT NUMBER	HG1575W
AIR OPERATING PERMITS	PERMIT	1387
AIR OPERATING PERMITS	PERMIT	1387

IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30676
POLLUTION PREVENTION PLANNING	ID NUMBER	P00038
AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HG1575W

Location: 2502 SHELDON RD, CHANNELVIEW, TX, 77530

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: May 20, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 20, 2006 to May 20, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Heather Podlipny Phone: 239 - 2603

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 08/28/2006 ADMINORDER 2006-0236-AIR-E

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 3346, SC #1 PA
 Description: Failed to prevent unauthorized emissions.
 Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter A 382.085(b)
 Rqmt Prov: 2993, SC #1 PA
 Description: Failed to prevent unauthorized emissions.

Effective Date: 05/22/2008 ADMINORDER 2007-1546-AIR-E

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: 19613, Special Condition No. 1 PERMIT
 Description: Failure to utilize the correct metallurgy and conduct maintenance on the seal flush tubing for Pump P-871A.

Effective Date: 06/19/2008 ADMINORDER 2007-1866-AIR-E

Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THC Chapter 382, SubChapter D 382.085(b)
 Rqmt Prov: 19155, SC No. 11 PERMIT
 Description: Failed to install a gasket that met the correct pipe specifications on the outlet piping of Dehydration Furnace F-6104 in the MTBE Unit, resulting in a leak and the unauthorized release of 1,004.80 pounds ("lbs") of isobutylene and 291.70 lbs of tert butanol on June 16, 2007. Since these emissions could have been foreseen and avoided by good operating practices, the demonstrations for

an affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: 19613, SC No. 1 PERMIT

Description: Failed to prevent the unauthorized release of 51 lbs of benzene on July 3, 2007 at the Propylene Oxide/Styrene Monomer II Unit. Specifically, the Respondent failed to use piping that was compatible with the process liquids in the Tower T-96870 reflux line, resulting in stress corrosion cracking of the pipe and a leak. Since these emissions could have been foreseen and avoided by good design and operating practices, the demonstrations for an affirmative defense in 30 TEX. ADMIN. CODE § 101.222

Effective Date: 04/11/2010

ADMINORDER 2009-1581-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failed to prevent an excessive emissions event on December 26, 2008.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	11/29/2006	(345458)
2	07/06/2006	(455578)
3	08/08/2006	(462744)
4	05/21/2006	(465556)
5	05/21/2006	(465560)
6	05/22/2006	(465810)
7	05/26/2006	(467504)
8	05/26/2006	(467510)
9	05/26/2006	(467527)
10	05/26/2006	(467540)
11	05/26/2006	(467550)
12	05/26/2006	(467570)
13	07/28/2006	(481675)
14	08/23/2006	(485002)
15	08/23/2006	(485009)
16	08/15/2006	(486078)
17	08/15/2006	(488073)
18	08/29/2006	(497530)

19	08/29/2006	(497537)
20	10/13/2006	(515848)
21	11/13/2006	(518381)
22	11/14/2006	(518836)
23	01/29/2007	(533297)
24	02/26/2007	(533308)
25	02/27/2007	(534697)
26	05/09/2007	(541602)
27	07/06/2007	(542673)
28	06/04/2008	(543658)
29	06/26/2007	(554500)
30	04/09/2007	(554505)
31	04/25/2007	(555359)
32	04/25/2007	(555365)
33	04/25/2007	(555802)
34	04/25/2007	(555806)
35	05/23/2007	(556219)
36	07/24/2007	(564711)
37	07/24/2007	(564712)
38	10/10/2007	(565505)
39	09/06/2007	(565822)
40	10/10/2007	(566371)
41	08/07/2007	(567748)
42	11/19/2007	(572056)
43	10/19/2007	(572117)
44	11/19/2007	(572261)
45	10/19/2007	(572262)
46	08/31/2007	(574405)
47	11/19/2007	(594035)
48	10/08/2007	(594110)
49	11/15/2007	(594833)

50	11/15/2007	(595013)
51	11/19/2007	(595022)
52	10/15/2007	(595712)
53	11/06/2007	(598858)
54	01/17/2008	(600723)
55	01/09/2008	(609855)
56	03/14/2008	(611501)
57	02/27/2008	(613653)
58	03/14/2008	(618696)
59	03/27/2008	(618709)
60	03/14/2008	(618717)
61	03/27/2008	(618722)
62	03/27/2008	(618731)
63	04/29/2008	(652661)
64	04/29/2008	(653207)
65	06/06/2008	(682326)
66	08/12/2008	(685199)
67	08/12/2008	(685202)
68	01/19/2010	(685513)
69	08/12/2008	(686065)
70	08/12/2008	(686073)
71	10/29/2008	(686573)
72	10/24/2008	(686627)
73	07/25/2008	(686971)
74	02/12/2009	(687164)
75	01/29/2009	(687940)
76	11/03/2008	(699652)
77	10/09/2008	(699654)
78	01/26/2009	(701754)
79	01/26/2009	(701756)

80	09/10/2008	(702199)
81	07/22/2009	(702274)
82	08/18/2009	(703383)
83	12/16/2008	(703659)
84	11/17/2008	(705755)
85	11/17/2008	(705756)
86	04/28/2009	(722170)
87	01/13/2009	(722614)
88	04/14/2009	(735656)
89	04/06/2009	(735824)
90	04/06/2009	(735831)
91	04/06/2009	(735832)
92	08/20/2009	(736085)
93	03/18/2009	(738031)
94	04/06/2009	(738482)
95	04/06/2009	(738485)
96	06/04/2009	(743701)
97	06/30/2009	(747320)
98	06/30/2009	(747323)
99	07/22/2009	(749478)
100	08/28/2009	(759064)
101	08/06/2009	(759221)
102	06/22/2009	(759503)
103	09/02/2009	(759612)
104	08/04/2009	(763811)
105	08/04/2009	(763816)
106	02/01/2010	(767345)
107	11/12/2009	(776895)
108	03/12/2010	(778084)
109	03/03/2010	(778850)
110	11/09/2009	(779367)

111	11/09/2009	(779368)
112	12/21/2009	(783354)
113	01/08/2010	(785080)
114	01/13/2010	(785846)
115	02/25/2010	(792726)
116	05/12/2010	(796690)
117	04/19/2010	(799387)
118	05/03/2010	(799836)
119	06/30/2010	(800082)
120	08/11/2010	(830107)
121	08/11/2010	(830125)
122	07/30/2010	(830497)
123	07/30/2010	(830501)
124	03/18/2010	(833325)
125	04/21/2010	(833326)
126	07/26/2010	(841594)
127	08/31/2010	(841596)
128	05/24/2010	(845254)
129	06/22/2010	(847031)
130	10/04/2010	(857685)
131	10/04/2010	(857694)
132	02/28/2011	(858298)
133	10/22/2010	(860090)
134	07/14/2010	(861512)
135	08/23/2010	(867801)
136	11/22/2010	(870077)
137	10/18/2010	(874761)
138	12/22/2010	(881111)
139	11/23/2010	(882353)
140	01/28/2011	(887120)
141	03/10/2011	(893181)

142 02/25/2011 (894388)

143 05/04/2011 (894590)

144 11/22/2010 (897165)

145 12/22/2010 (897166)

146 05/13/2011 (901537)

147 01/24/2011 (903070)

148 02/22/2011 (909943)

149 05/12/2011 (914809)

150 03/21/2011 (917182)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/14/2006 (518836) CN600344402
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
3346, SC No. 1 PA
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Exceeded permit limits during an avoidable emissions event.

Date: 01/29/2007 (533297) CN600344402
Self Report? NO Classification: Moderate
Citation: 20416, SC No. 1 PA
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Exceeded permit limits during an avoidable emissions event.

Date: 02/23/2007 (533308) CN600344402
Self Report? NO Classification: Moderate
Citation: 19155, SC No. 11 PA
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Exceeded permit limits during an avoidable emissions event.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
Description: Failure to submit Initial Notification within 24 hours of discovery.

Date: 02/27/2007 (534697) CN600344402
Self Report? NO Classification: Moderate
Citation: 2993, SC No. 1 PA
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Exceeded permit limits during an avoidable emissions event.

Date: 01/09/2008 (609855) CN600344402
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.213(e)(1)(B)(i)
5C THSC Chapter 382 382.085(b)
Description: RE failed the RATA test on December 12, 2006.

Date: 05/28/2008 (543658) CN600344402
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)

5C THC Chapter 382, SubChapter D 382.085(b)
OP O-1387, Special Condition 10F OP

Description: Failure to conduct daily audit NOx CEMS auto validation.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(iv)
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain required equipment on tanks.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(6)
5C THSC Chapter 382 382.085(b)
OP O-1387, Special Condition 1A OP

Description: Failure to maintain bolt or fasteners on the float well guage.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(9)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.165(a)
5C THC Chapter 382, SubChapter D 382.085(b)
O-O-1387, Special Condition 1A OP

Description: Failure to monitor 2 PSV's.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
OP O-1387, Special Condition 1A OP

Description: Failure to follow LDAR requirements.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(c)(3)
5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Condition 1A OP

Description: Failure to maintain required temperature.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 115, SubChapter H 115.783(5)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
OP, O-1387, Special Condition 1A OP
OP, O-1387, Special Condition 26 OP
TCEQ Permit No. #2933, SC #15 PERMIT
TCEQ Permit No. #3446, SC #13E PERMIT
TCEQ Permit No. 18103, SC #15E PERMIT
TCEQ Permit No. 19155, SC #13E PERMIT
TCEQ Permit No. 20416, SC# 8E PERMIT
TCEQ Permit No. 2993, SC #10E PERMIT
TCEQ Permit No. 19613, SC #19E PERMIT

Description: Failure to plug open ended lines.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
OP, O-1387, Special Conditions 1A & 26 OP

Description: Exceeded annual permitted limit during 2005.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.340(c)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Condition 1A OP

Description: Failure to conduct cylinder gas audit.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(2)
5C THC Chapter 382, SubChapter D 382.085(b)
OP, O-1387, Special Conditions 1A and 26 OP
TCEQ Permit No. 2993, SC #16 PERMIT

Description:	Failure to meet 98% DRE requirements.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(f)(2) 5C THC Chapter 382, SubChapter D 382.085(b) OP, O-1387, Special Condition 1A OP		
Description:	Periodic failure to maintain continuous records.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(c) 5C THC Chapter 382, SubChapter D 382.085(b) OP, O-1387, Special Condition 1A OP		
Description:	Failure to maintain continuous records.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1) 5C THC Chapter 382, SubChapter D 382.085(b) OP, O-1387, Special Condition 1A OP		
Description:	Failure to perform daily auto validations.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 117, SubChapter G 117.8130 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) OP, O-1387, Special Condition 1A OP		
Description:	Failure to monitor ammonia slip.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2) 5C THC Chapter 382, SubChapter D 382.085(b) OP, O-1387, Special Conditions 1A and 26 OP TCEQ Permit No. 19613, SC #16 PERMIT		
Description:	Periodic failure to maintain continuous records.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 117, SubChapter B 117.345(f) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) OP, O-1387, Special Condition 1A OP		
Description:	Failure to maintain continuous records of fuel flow.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) OP, O-1387, Special Conditions 1A and 26 OP		
Description:	Failure to maintain continuous records of two 15-minute periods.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THC Chapter 382, SubChapter D 382.085(b) OP, O-1387, Special Conditions 1A and 26 OP TCEQ Air Permit No. 19613, SC #6 PERMIT		
Description:	Failure to maintain 300 Btu/scf hourly rolling average.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(c)(3) 5C THC Chapter 382, SubChapter D 382.085(b) OP, O-1387, Special Condition 1A OP		
Description:	Failure to maintain combustion temperature.	Classification:	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 116, SubChapter B 116.110(a)(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) OP, O-1387, Special Condition 27 OP		
Description:	Failure to obtain emission authorization.	Classification:	Moderate
Self Report?	NO		

Citation:	30 TAC Chapter 116, SubChapter B 116.110(a)(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) OP, O-1387, Special Condition 27 OP	
Description:	Failure to obtain emission authorization.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 117, SubChapter G 117.8140(a) 30 TAC Chapter 122, SubChapter B 122.132(e)(3)(A)(ii) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) OP, O-1387, Special Condition 1A OP	
Description:	Failure to test stationary diesel engine.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.110(a)(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) OP, O-1387, Special Condition 1A OP	
Description:	Failure to submit PBR within the the required timeframe.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.345(b)(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) OP, O-1387, Special Condition 1A OP	
Description:	Failure to make fifteen day post notification of the RATA performance test.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) OP, O-1387, Special Conditions 1A and 26 OP TCEQ Air Permit No. 19155, SC #10E PERMIT	
Description:	Failure to paint a tank as required by the NSR permit.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.116(a)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) OP, O-1387, Special Condition 1A OP	
Description:	Exceedances of the fugitive permit allowable.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THC Chapter 382, SubChapter D 382.085(b) OP, O-1387, Special Conditions 1A and 26 OP TCEQ Permit No. 18103, SC #3A PERMIT TCEQ Permit No. 19155, SC #6 PERMIT TCEQ Permit No. 20416, SC #4 PERMIT	
Description:	Failure to maintain required heating values.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 60, Subpart A 60.18(c)(4)(i) 5C THC Chapter 382, SubChapter D 382.085(b) OP, O-1387, Special Conditions 1A and 26 OP	
Description:	Failure to maintain required heating values.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 5C THC Chapter 382, SubChapter D 382.085(b) OP, O-1387, Special Conditions 1A and 26 OP TCEQ Permit No. 2993, SC #8 PERMIT TCEQ Permit No. 4121, SC# 2A PERMIT	
Description:	Failure to maintain required heating values.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(a)(1)(ii) 5C THC Chapter 382, SubChapter D 382.085(b)	

OP, O-1387, Special Conditions 1A and 26 OP
 TCEQ Permit No. 2993, SC #15A PERMIT
 Description: Failure to monitor temperature.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(c)
 5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain continuous records.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.213(a)
 30 TAC Chapter 117, SubChapter B 117.219(f)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THC Chapter 382, SubChapter D 382.085(b)
 OP, O-1387, Special Condition No. 1A OP

Description: Periodic failure to maintain continuous records.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(14)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(7)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(f)(1)
 5C THSC Chapter 382 382.085(b)

Description: Failure to maintain continuous records of monitoring for flare pilot flames.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.781(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 OP, O-1387, Special Condition 1A OP

Description: Failure to meet audit criteria.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 OP, O-1387, Special Condition 1A OP

Description: Failure to collect HRVOC compliance sample.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(c)(3)
 5C THSC Chapter 382 382.085(b)
 OP, O-1387, Special Condition 1A ORDER

Description: Failure to maintain continuous records of temperature.

Date: 11/03/2008 (699652) CN600344402
 Self Report? NO Classification: Moderate
 Citation: 20416, Special Condition No. 1 PERMIT
 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)

Description: Failure to prevent unauthorized emissions.

Date: 01/13/2009 (722614) CN600344402
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 TCEQ Permit No. 3346, SC #1 PERMIT

Description: Lyondell failed to prevent a seal leak.

Date: 08/18/2009 (703383) CN600344402
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 Special Condition No. 15(E) PERMIT
 Special Condition No. 28(E) PERMIT
 Special Condition No. 8(E) PERMIT
 Special Terms and Condition No. 1(A) OP

Description: failure to seal open-ended lines containing VOC. (Category C10 violation)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 10(E) PERMIT
 Special Condition No. 19(E) PERMIT
 Special Condition No. 28(E) PERMIT
 Special Condition No.15(E) PERMIT
 Special Terms and Conditions No. 1(A) OP
 Special Terms and Conditions No. 26 OP

Description: failure to seal open ended lines containing VOC and hazardous air pollutants (HAP). (Category C10 violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 115, SubChapter H 115.783(5)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition No.28(E) PERMIT
 Special Terms and Conditions No. 1(A) OP
 Special Terms and Conditions No. 26 OP

Description: failure to seal open ended lines containing VOC, Highly Reactive VOC (HRVOC) and HAP. (Category C10 violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 10 (E) PERMIT
 Special Terms and Conditions No. 1(A) OP
 Special Terms and Conditions No. 26 OP

Description: failure to seal open ended lines containing VOC and HAP in a SOCM facility. (Category C10 violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.665(c)
 5C THSC Chapter 382 382.085(b)
 Special Terms and Condition no. 1(A) OP

Description: failure to maintain continuous records of monitoring parameters for the EB1 (F67800), EB2 Primary (F96800), and MTBE (F6101, F6102, F6103, F610-4, and F6105), Reactor Heaters. (Category C3 violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)
 5C THSC Chapter 382 382.085(b)
 Special Terms and Conditions No. 1(A) OP

Description: failure to maintain continuous monitoring records for EB1 Wastewater Stripper T66825 and EB2 Wastewater Stripper T97942. (Category C3 violation).

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(f)(2)
 5C THSC Chapter 382 382.035
 Special Condition no. 15 PERMIT
 Special Terms and Conditions No. 1(A) OP
 Special Terms and Conditions No. 26 OP

Description: failure to maintain continuous monitoring records for POSM1 Catalytic Incinerator F64170. (Category C3 violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(7)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(f)(2)
 5C THSC Chapter 382 382.085(b)
 Special Terms and Conditions No. 1(A) OP

Description: failure to maintain continuous monitoring records for the POSM2 Process Flare

FL68491. (Category C3 violation)

Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(7)
Description: failure to maintain continuous monitoring records for the POSM2 Process Flare
FL68491. (Category C3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 4(B) PERMIT
Special Terms and Conditions No. 26 OP
Description: failure to continuously monitor the flare pilot flame of the BDO Process Flare
FL6105. (Category C3 violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
5C THSC Chapter 382 382.085(b)
Special Condition No. 8 PERMIT
Special Terms and Conditions No. 1(A) OP
Special Terms and Conditions No. 26 OP
Description: failure to maintain a continuous pilot flame for Deepwell Flare FL68910.
(Category C4 violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.219(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1(A) OP
Description: failure to provided a notice at least 15 days prior to an annual relative accuracy
test audit for Boiler 3.
(Category C3 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(6)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1(A) OP
Description: failure to bolt or fasten down the float well gauge on Storage Tank Nos. TK6102,
TK60110A, TK60110B, TK60312B, TK60480, TK60481, TK60482, TK60791,
TK60810A, TK60810B, TK68632B, and TK60285C. (Category B18 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.112b(a)(1)(iv)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1(A) OP
Description: failure to bolt or fasten down the float well gauge on Storage Tank Nos.
TK57705, TK57710, TK57719A, TK57719B, TK60630, TK6101. (Category B18
violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
5C THSC Chapter 382 382.085(b)
Special Condition No. 6 PERMIT
Special Terms and Conditions No. 1(A) OP
Special; Terms and Condition No. 26 OP
Description: failure to prevent unauthorized visual emissions from occurring at POSM2
Process Flare FL68491.
(Category C4 violation)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition No. 6 PERMIT
Special Terms and Conditions No. 1(A) OP
Special Terms and Conditions No. 26 OP

Description: failure to combust VOC gas with a net heating value above the minimum required net heating value of 300 Btu/scf in the POSM2 Flare FL68491. (Category C4 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition No. 13(A) PERMIT
Special Terms and Conditions no. 1(A) OP
Special Terms and Conditions No. 26 OP

Description: failure to combust VOC/HAP gas with a net heating value above the minimum required net heating value of 300 Btu/scf in the POSM2 Process Flare FL68491. (Category C4 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition No. 1 PERMIT
Special Term and Conditions No. 26 OP

Description: failure to prevent exceeding the annual VOC permit emission limit for Wastewater Equalization Tank TK60897. (Category B18 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(2)(ii)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1(A) OP

Description: failure to maintain operating temperature at or greater than the required minimum operating temperature for the catalytic converter. (Category C4 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(2)

Description: failure to perform the first attempt at repairing a leaking component within 5 days of leak discovery. (Category C4 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.348(a)(1)(ii)
5C THSC Chapter 382 382.085(b)
Special Terms and Copnditions No. 1(A) OP

Description: failure to maintain the 3-hour average temperature to EB1 Wastewater Stripper T66825 in Unit PROSTRIP1 above the required minimum 3-hour average temperature. (Category C4 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.340(f)(1)
30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1(A) OP

Description: failure to comply with the daily validation (>10% zero drift) for Boiler3 NOx Analyzer. (Category C1 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.345(f)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1(A) OP

Description: failure to maintain NOx CEMS daily calibration drift assessment records for Process Heaters F65630 and F66850. (Category B3 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1(A) OP

Description: failure to perform Process Heater F66850 NOx and O2 CEMS daily calibration drift assessments.
(Category B1 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Terms and Conditions No. 1(A) OP

Description: failure to prevent testing the POSM1 firewater pump P60551B during the restricted hours from 6:00 a.m. through noon. (Category C4 violation)

Date: 08/31/2009 (759064) CN600344402

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F 115.541(a)(1)(B)
5C THSC Chapter 382 382.085(b)

Description: Lyondell-Basell Channelview Chemical Manufacturing Complex (Lyondell) failed to meet the control efficiency for degassing operations.

Date: 01/08/2010 (785080) CN600344402

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions. Lyondell failed to prevent the release of benzene during maintenance on the Sample Cooler.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(c)
5C THSC Chapter 382 382.085(b)

Description: Lyondell failed to submit the final record of a reportable emissions event within two weeks of the end of the incident.

Date: 02/02/2010 (767345) CN600344402

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 2A PERMIT
Special Condition 8 PERMIT
Special Condition SC 13 PERMIT
Special Condition SC 6 PERMIT
ST&C 1A OP
ST&C 26 OP

Description: Failure to comply with the flare net heating value requirements. (Category C4)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(j)(7)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to maintain records documenting continuous flare pilot flame monitoring.
(Category C 4 violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 21 PERMIT
ST&C 26 OP

Description: Failure to maintain compliance with the total annual heat input limit for the F-890 Regeneration Gas Heater (EPN F96890). (Category C 4 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter B 115.121(a)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to maintain compliance with the vent gas control requirements. (Category

C4 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Condition 15 PERMIT
ST&C 26 OP

Description: Failure to meet the minimum requirement of 725 degrees F. On August 6, 2008 the Cat A Delta temperature failed to meet the minimum requirement of 36.1 degrees F on an intermittent basis between 5:42 a.m. and 10:00 a.m.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter A 106.6(b)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to maintain compliance with the CO limits for diesel engine (ENGUT1). (Category B14)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(2)(A)(i)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to conduct the required annual HRVOC analyzer calibrations on several instruments. (Category C1 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 10 E PERMIT
Special Condition 15E PERMIT
ST&C 1A OP
ST&C 26 OP

Description: Failure to seal open-ended lines containing VOCs. (Category C10 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart VV 60.482-9
5C THSC Chapter 382 382.085(b)
Special Condition 7E PERMIT
Special Condition 7H PERMIT
ST&C 1A OP
ST&C 26 OP

Description: Failure to monitor a repaired fugitive component as required. (Category C1 violation)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(h)(3)
5C THSC Chapter 382 382.085(b)
Special Condition 28 H PERMIT
ST&C 1A OP
ST&C 26 OP

Description: Failure to attempt a repair of a fugitive component within 5 days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT FFFF 63.2520(d)(1)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: failed to include all required information in a Notice of Compliance Status (NCS) Report.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)
5C THSC Chapter 382 382.085(b)
ST&C 1A OP

Description: Failure to maintain continuous monitoring records for the T-495 feed parameter (inlet flow monitoring device to the wastewater stripper). (Category C3 violation)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Part 60, Subpart A 60.18(c)(4)(i)
 5C THSC Chapter 382 382.085(b)
 Special Condition 13 PERMIT
 ST&C 1A OP
 ST&C 26 OP

Description: Failure to comply with the flare exit velocity requirements. (Category C4 Violation)

Date: 03/31/2010 (833326)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 07/26/2010 (841594) CN600344402
 Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15(d)
 PP.III.D. PERMIT
 Description: Failure to conduct assessments and testing as required in the permit inspection schedule of Table III.D.

Date: 07/31/2010 (867801)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2010 (882353)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 10/22/2010 (860090) CN600344402
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 5C THSC Chapter 382 382.085(b)
 Special Condition No. 11 PERMIT
 Description: Failure to prevent unauthorized emissions. Lyondell failed to establish a pilot in Furnace F-6101 before the main fuel-gas valve was opened, which resulted in a detonation inside the furnace and shutdown of the unit.

Date: 10/31/2010 (897165)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

Date: 12/21/2010 (881111) CN600344402
 Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 264, SubChapter I, PT 264, SubPT C 264.15(d)
 PP.III.D. PERMIT
 Description: Failure to conduct assessments and testing as required in the permit inspection schedule of Table III.D.

Date: 12/31/2010 (903070)
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2011 (909943)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 02/25/2011 (894388) CN600344402
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Special Condition No. 1 PERMIT
Description: Failure to prevent unauthorized emissions. Failure to prevent a leak on a 24-inch butterfly valve on the E-801 process line.

Date: 02/28/2011 (858298) CN600344402
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
5C THSC Chapter 382 382.085(b)
Special Condition 13A PERMIT
Special Condition 6 PERMIT
Special Term & Condition 1A OP
Special Term & Condition 26 OP
Description: Failure to operate Flare 68491 and the MTBE Flare at or above the required net heating value. (Category C4 violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 60, Subpart A 60.18(c)(4)(i)
5C THSC Chapter 382 382.085(b)
Special Condition 13A PERMIT
Special Term & Condition 1A OP
Special Term & Condition 26 OP
Description: Failure to operate Flare 68491 below the maximum exit velocity. (Category C4 violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)(A)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Description: Failure to operate Boiler 2 within the ammonia slip block hourly average of 10 ppm. (Category C4 violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
30 TAC Chapter 116, SubChapter B 116.115(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)
5C THSC Chapter 382 382.085(b)
Special Condition 10E PERMIT
Special Condition 13E PERMIT
Special Condition 28E PERMIT
Special Term & Condition 1A OP
Special Term & Condition 26 OP
Description: Failure to cap or plug eight open-ended lines. (Category C10 violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(i)
5C THSC Chapter 382 382.085(b)
Special Term & Condition 1A OP
Description: Failure to monitor one connector in VOC service. (Category C1 violation)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT NNN 60.662(a)

5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP
 Description: Failure to operate the F-96800 and the F-6104 furnace at the required minimum temperature. (Category B18 violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.764(a)(6)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP

Description: Failure to perform the required manual sampling to Cooling Tower CT-68240 (when on-line systems were not operational). (Category C1 violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 Special Term & Condition 26 OP

Description: Failure to operate Tanks 68127 and 68128 within the VOC 12 month rolling average of 2.41 tons. (Category B18 violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(b)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP

Description: Failure to make a first attempt of repair to five leaking HRVOC components within 24 hours. (Category C4 violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 117, SubChapter D 117.2030(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Term & Condition 1A OP

Description: Failure to refrain from operating the emergency generator G-94002 prior to 12:00 p.m. (Category C4 violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(1)(B)(i)(II)
 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 28I PERMIT
 Special Term & Condition 1A PERMIT
 Special Term & Condition 26 OP

Description: Failure to perform and maintain delay of repair emissions calculations. (Category C3 violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 15 PERMIT
 Special Term & Condition 1A OP
 Special Term & Condition 26 OP

Description: Failure to operate Catalytic Incinerators at the required operating temperatures. (Category B18 violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.355(1)
 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.180(b)(3)
 5C THSC Chapter 382 382.085(b)
 Special Condition 13F PERMIT
 Special Condition 28F PERMIT
 Special Term & Condition 1A OP
 Special Term & Condition 26 OP

Description: Failure to perform and retain records of calibrations of LDAR instruments. (Category C3 violation)

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.354(a)(2)
 5C THSC Chapter 382 382.085(b)

Special Term & Condition 1A OP
Description: Failure to monitor the steam to feed ratio on the EB1 Waste Water Stripper.
(Category C4 violation)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
General Terms & Conditions OP
Description: Failure to include All Deviations in the Deviation Report (Category B3 Violation)

F. Environmental audits.

Notice of Intent Date: 10/02/2007 (598186)

Disclosure Date: 08/20/2008

Viol. Classification: Moderate

Rqmt Prov: PERMIT O-1387

Description: Failure to comply with emission monitoring for 2006 due to software change over issues.

Viol. Classification: Moderate

Rqmt Prov: PERMIT 18103

PERMIT 19155

PERMIT 19613

PERMIT 20416

PERMIT 2993

PERMIT 3286A

PERMIT 3346

PERMIT O-1387

Description: Failure to comply with LDAR requirements. Specifically, initial monitoring of equipment within the required time frame was not performed for new components added and for monitoring dual mechanical seal pumps, compressors, and agitators. Leaks were classified as Repair Delayed without meeting the repair requirements. Daily calibration records were not maintained. Replacement components were not monitored within time frames.

Notice of Intent Date: 10/03/2008 (706908)

No DOV Associated

Notice of Intent Date: 01/26/2009 (740554)

Disclosure Date: 01/12/2010

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355

Description: Failed to properly flow weigh the benzene concentrations for some waste streams, and failed to accurately calculate the benzene quantities of certain waste streams for the TAB including the characterization of organic phase. The organic phase was not properly incorporated into the characterization of some multiple-phase wastes.

Notice of Intent Date: 04/08/2011 (914753)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LYONDELL CHEMICAL
COMPANY
RN100633650

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2011-0784-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Lyondell Chemical Company ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a chemical manufacturing plant at 2502 Sheldon Road in Channelview, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 18, 2011.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Six Thousand Six Hundred Twenty-Five Dollars (\$6,625) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Two Thousand Six Hundred Fifty Dollars (\$2,650) of the administrative penalty and One Thousand Three Hundred Twenty-Five Dollars (\$1,325) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Two Thousand Six Hundred Fifty Dollars (\$2,650) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions during an emissions event that occurred on February 2, 2011 to February 3, 2011 (Incident No. 150156), in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review ("NSR") Permit No. 19613, Special Conditions ("SC") No. 1, NSR Permit No. 2993, SC No. 1, and Federal Operating Permit No. 01387, Special Terms and Conditions Nos. 1 and 25, as documented during an investigation conducted on March 2, 2011 to March 16, 2011. Specifically, the Respondent released 759.58 pounds of volatile organic compounds from the POSM 2 unit (Emission Point Number ("EPN") EF97950) and POSM 1 unit (EPN EF64170) during the 24 hour and 30 minute event. The event occurred due to the failure of instrumentation and equipment caused by freezing weather conditions. Flow instruments, check valves, pressure transmitters, and natural gas valves froze, resulting in the tripping of the catalytic converters and the ultimate shutdown of the process units. Since the emissions event could have been avoided by better operational and maintenance practices, it is not subject to the affirmative defense in 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Lyondell Chemical Company, Docket No. 2011-0784-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Two Thousand Six Hundred Fifty Dollars (\$2,650) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, update and implement training and operating procedures to prevent a recurrence of emissions events due to similar causes as Incident No. 150156; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and

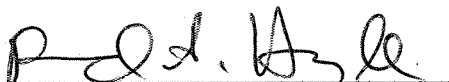
may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

9/27/11

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

8/18/11

Date

Michael VanDerSnick

Name (Printed or typed)
Authorized Representative of
Lyondell Chemical Company

Site Manager Channelview

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2011-0784-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

The Respondent:	Lyondell Chemical Company
Penalty Amount:	Five Thousand Three Hundred Dollars (\$5,300)
SEP Offset Amount:	Two Thousand Six Hundred Fifty Dollars (\$2,650)
Type of SEP:	Pre-approved SEP
Third-Party Recipient:	The Sheltering Arms
Project Name:	Sheltering Arms Weatherization Assistance Program
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP offset amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP offset amount to the Third-Party Recipient named above. The contribution will be to **The Sheltering Arms** to be used for the Sheltering Arms Weatherization Assistance Program as set forth in the Agreement between the Third-Party Recipient and TCEQ. The SEP offset amount shall be used to perform energy efficiency upgrades on low-income homes in Harris County. Specifically, the SEP offset amount may only be used for: 1) purchase and installation of compact fluorescent light bulbs; 2) the incremental cost of replacement of energy-inefficient fans and refrigerators with energy-efficient models; 3) the incremental cost of replacement of energy-inefficient washers and dryers with energy-efficient models; 4) sheetrock repairs to sustain and protect new attic insulation; 5) floor repairs to prevent air leaks; 6) repairs to patches made to sheetrock during the addition of all new insulation; and 7) other direct costs authorized in advance by TCEQ.

Lyondell Chemical Company
Agreed Order - Attachment A

The SEP offset amount shall not be used to perform weatherization inspections and generate computerized audits for the proposed weatherization work where Federal Weatherization Assistance Program ("WAP") and Federal Low Income Home Energy Assistance Funds ("LIHEAP") are available. WAP and LIHEAP funds are currently limited to \$4,000 per house by regulation. The WAP and LIHEAP funds will also be used for 1) replacement of stoves, space heaters, and water heaters that leak carbon monoxide; 2) purchase and installation of carbon monoxide detectors; 3) replacement of central air conditioning systems and window units; 4) addition of wall and attic insulation; 5) caulking and weather-stripping; 5) replacement of window panels; 6) addition of solar screens; 7) new windows and doors. The SEP Offset Amount shall be used to enhance the proposed weatherization work not covered by the WAP and LIHEAP funds. The results of the weatherization audits along with any proposed modifications and associated budgets and scope of work shall be submitted to TCEQ. The SEP offset amount will be used solely for the direct cost of performing the project and no portion will be spent on administrative costs.

The Respondent certifies that it has no prior commitment to make this contribution to the Third-Party Recipient and that the SEP offset amount is being contributed solely in an effort to settle this enforcement action.

B. Environmental Benefit

Implementation of this project will reduce fuel and electricity usage for heating and cooling and day-to-day living operations. These reductions will reduce emissions of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with combustion of fuel and generation of electricity.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP offset amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the Effective Date of this Agreed Order, the Respondent shall contribute the SEP offset amount to the Third-Party Recipient. The Respondent shall make the contribution check payable to "The Sheltering Arms" and mail a copy of the Agreed Order with the check to:

Lyondell Chemical Company
Agreed Order - Attachment A

The Sheltering Arms
Attention: Lynne Cooke, Vice President
3838 Aberdeen Way
Houston, Texas 77025

3. Records and Reporting

Concurrent with the payment of the SEP offset amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP offset amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.